

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

THOMAS HENRY,

Plaintiff,

-v-

9:19-CV-1059

DAVID DINELLO, Regional
Medical Director, New York State
Department of Corrections and
Community Supervision,

Defendant.

APPEARANCES:

THOMAS HENRY
Plaintiff, Pro Se
19711
Cayuga County Jail
7445 County House Road
Auburn, NY 13021

HON. LETITIA JAMES
New York State Attorney General
Attorneys for Defendant
The Capitol
Albany, NY 12224

DAVID N. HURD
United States District Judge

OF COUNSEL:

KONSTANDINOS D. LERIS, ESQ.
Ass't Attorney General

ORDER ON REPORT & RECOMMENDATION

On August 28, 2019, *pro se* plaintiff Thomas Henry (“plaintiff”), an inmate formerly in the custody of the New York State Department of Corrections and Community Supervision (“DOCCS”), filed this 42 U.S.C. § 1983 action alleging, *inter alia*, that DOCCS Regional Medical Director David Dinello (“Dinello”) violated his civil rights while he was incarcerated at Gouverneur Correctional Facility (“Gouverneur C.F.”). Dkt. No. 1. Plaintiff also sought leave to proceed *in forma pauperis* (“IFP application”). Dkt. Nos. 2, 5.

After some procedural hurdles were cleared away, Dinello answered plaintiff’s complaint and the parties headed to discovery. *See* Dkt. No. 30. Soon thereafter, however, plaintiff stopped participating in this lawsuit. *See, e.g.*, Dkt. No. 37. Eventually, U.S. Magistrate Judge Thérèse Wiley Dancks permitted Dinello to file a motion “seeking dismissal for failure to prosecute and failure to follow Court orders and directives.” *Id.* Dinello filed just such a motion on May 24, 2021. Dkt. No. 39.

On October 25, 2021, Judge Dancks advised by Report & Recommendation (“R&R”) that Dinello’s motion be granted and that plaintiff’s operative complaint be dismissed. Dkt. No. 40. Plaintiff has not filed objections, and the time period in which to do so has expired. *See id.* Upon review for clear error, the R&R will be accepted and adopted in all respects. *See* FED. R. CIV. P. 72(b).

Therefore, it is

ORDERED that

The Report & Recommendation is ACCEPTED.

IT IS SO ORDERED.

Dated: November 16, 2021
Utica, New York.



David N. Hurd
U.S. District Judge